

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte STEVEN R. DONOVAN  
and  
JOHN K. GALLANT

Appeal No. 2003-0070  
Application 09/436,796.

ORDER REMANDING TO EXAMINER

An examination of the file reveals that an Information Disclosure Statement (IDS) was filed September 25, 2003 (Paper No. 20). It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

Appeal No. 2003-0070  
Application 09/436,796


Accordingly, it is

ORDERED that the application is remanded to the Examiner for consideration of the IDS filed September 25, 2003 (Paper No. 20) and appropriate written notification to appellants regarding the examiner's decision, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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